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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

v.

XAVIER MATHIS,

Defendant.

Case:2:21-cr-20097

Judge: Edmunds, Nancy G.

MJ: Grand, David R.

Filed: 02-10-2021 At 02:37 PM

INDI USA V XAVIER MATHIS (LG)

Violations:

18 U.S.C. § 922(g)(1)

21 U.S.C. §§ 841(a)(1) & (b)(1)(C)

INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

Felon in Possession of a Firearm

18 U.S.C. § 922(g)(1)

On or about September 2, 2020, in the Eastern District of Michigan, and elsewhere, defendant XAVIER MATHIS, knowing that he had been previously convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is: one (1) .40 caliber, Smith & Wesson, MP Shield, serial number: HVU2754, said firearm having previously traveled in interstate and/or foreign commerce, in violation of Title 18, United States Code, Section 922(g)(1).

COUNT TWO

Felon in Possession of Ammunition
18 U.S.C. § 922(g)(1)

On or about September 2, 2020, in the Eastern District of Michigan, and elsewhere, defendant XAVIER MATHIS, knowing that he had been previously convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed seven (7) rounds of .40 caliber ammunition, said ammunition having previously traveled in interstate and/or foreign commerce, in violation of Title 18, United States Code, Section 922(g)(1).

COUNT THREE

Possession with Intent to Distribute Controlled Substances
21 U.S.C. § 841(a)(1)

On or about September 2, 2020, in the Eastern District of Michigan, and elsewhere, defendant XAVIER MATHIS, did knowingly and intentionally possess with the intent to distribute approximately 35.52 grams of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, and Fentanyl, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

FORFEITURE ALLEGATIONS

(21 U.S.C. § 853, 18 U.S.C. § 924(d), and 28 U.S.C. § 2461(c))

1. The allegations contained in this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title

21, United States Code, Section 853, and Title 18, United States Code, Section 924(d) together with Title 28, United States Code, Section 2461.

2. Upon being convicted of violating Title 18, United States Code, Section 922, as set forth in this Indictment, the convicted defendant XAVIER MATHIS shall forfeit to the United States any firearm or ammunition involved in the offense, pursuant to Title 18, United States Code, Section 924(d)(1) together with Title 28, United States Code, Section 2461(c), including but not limited to a .40 caliber, Smith & Wesson, MP Shield, serial number: HVU2754, bearing serial number FCD5089, and 7 rounds of .40 caliber ammunition.

3. Pursuant to Title 21, United States Code, Section 853(a), upon conviction of the controlled substance offenses in violation of Title 21, as alleged in this Indictment, XAVIER MATHIS shall forfeit to the United States: (a) any property, real or personal, constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such violation; and (b) any property used, or intended to be used, in any manner or part, to commit or to facilitate the commission of such violation.

4. Substitute Assets. If by any act or omission of defendant, the property described above cannot be located upon the exercise of due diligence; has been transferred, sold to, or deposited with a third party; has been placed beyond the jurisdiction of the court; has been substantially diminished in value; or, has been

commingled with other property which cannot be divided without difficulty, defendant shall forfeit any other property up to the value of such unavailable assets, pursuant to Title 21, United States Code, Section 853(p).

5. Money Judgment. Upon conviction, the United States will request that a forfeiture money judgment be imposed against each convicted defendant in favor of the United States in an amount representing the total amount of proceeds the convicted defendant obtained as a result of defendant's Title 21 offense.

THIS IS A TRUE BILL

s/ Grand Jury Foreperson
GRAND JURY FOREPERSON

SAIMA S. MOHSIN
Acting United States Attorney

CRAIG WININGER
Chief, Violent & Organized Crime Unit

s/ Ranya Elzein
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Dated: February 10, 2021

United States District Court
Eastern District of Michigan

Criminal Case Cover Sheet

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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in

Companion Case Information

Companion Case Number and Judge Assignment

U.S. v. Edward Barnett

Case Number and Judge Unknown; Barnett Indictment filed the same day as Mathis Indictment.

This may be a companion case based on LCrR 57.10(b)(4)¹:☒ Yes ☐ No

AUSA's Initials: RE

Case Title: USA v. Xavier MathisCounty where offense occurred: WayneOffense Type: Felony

Indictment – no prior complaint.

Superseding Case Information

Superseding to Case No: _____

Judge: _____

Reason: _____

Defendant NameChargesPrior Complaint (if applicable)

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case

February 10, 2021

Date


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 Bar #: OH 0090887

¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.